

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE GONZALEZ,

Plaintiff,

v.

J. DOERER,

Defendant.

No. 1:24-cv-01183 GSA (PC)

ORDER DIRECTING PLAINTIFF EITHER
TO:

(1) PAY THE FILING FEE IN FULL OR

(2) FILE AN APPLICATION TO PROCEED
IN FORMA PAUPERIS ALONG WITH A
SIX-MONTH INMATE TRUST ACCOUNT
STATEMENT

See 28 U.S.C. § 1915(a)(2)

PLAINTIFF'S COMPLIANCE WITH THIS
ORDER DUE IN THIRTY DAYS

Plaintiff, a federal inmate proceeding pro se, has filed a civil rights action pursuant to Bivens.¹ See ECF No. 1 at 1. Plaintiff has neither paid the filing fee in full, or in the alternative, filed a request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 along with a certified copy of the inmate trust account statement for the six-month period immediately preceding the filing of the complaint, either. See 28 U.S.C. § 1915(a)(2).

Federal law requires that prior to bringing an action, a plaintiff may either pay the filing fee in full or request leave to proceed in forma pauperis. 28 U.S.C. §§ 1914, 1915(a). It also

¹ Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

1 requires that incarcerated individuals who wish to proceed in forma pauperis in a civil rights
2 action file a prison trust fund account statement that reflects the inmate's trust fund account
3 activity over the past six months. See 28 U.S.C. § 1915(a)(1)-(2). It is only when both the
4 application to proceed in forma pauperis and the inmate trust account statement have been filed
5 by a plaintiff that a court should consider an application to proceed in forma pauperis. See id.

6 Plaintiff will be provided the opportunity either to pay the filing fee in full or to submit an
7 application to proceed in forma pauperis along with a certified copy of his inmate trust account
8 statement. He will be given thirty days to take either course of action.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The Clerk of Court shall send Plaintiff an Application to Proceed In Forma Pauperis
11 By a Prisoner, and

12 2. Within thirty days from the date of this order, Plaintiff shall either:
13 a. Pay the filing fee in full, or
14 b. File an application to proceed in forma pauperis along with a certified copy of his
15 inmate trust account statement for the six-month period immediately preceding the filing of the
16 complaint.

17 **Plaintiff is cautioned that failure to comply with this order within the time allotted**
18 **may result in a recommendation that this action be dismissed without prejudice.**

19
20
21 IT IS SO ORDERED.

22 Dated: November 20, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE